

AMENDED IN ASSEMBLY JANUARY 16, 1998

AMENDED IN ASSEMBLY JANUARY 6, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1166

Introduced by Assembly Member House

February 28, 1997

An act to amend Section 22138.5 of the Education Code, to amend Sections 20057, 20200, 20201, 20322, 20398, 20403, 20575, 20578, 20636, 21493, 22013, 22013.1, 22013.3, 22013.4, 22013.6, 22013.7, 22013.75, 22013.76, 22013.8, 22013.85, 22013.9, 22013.95, 22013.955, 22013.96, 22013.97, 22013.10, 22013.11, 22014, 22014.1, and 22014.5 of, and to add Section 1227 to, the Government Code, relating to public employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1166, as amended, House. Public employees: fingerprinting; retirement.

(1) ~~Under existing law, state and local agencies impose various requirements and conditions of employment upon their employees and applicants for employment depending on the function and duty of the employment position involved.~~

~~This bill would provide that any person employed by a state or local agency, or any prospective applicant for employment with a state or local agency, in any position or capacity that requires the person or applicant to have contact with children shall, as a condition of employment, be fingerprinted. It would~~

~~also require the employee or applicant to bear the cost of fingerprinting, and would define state and local agency for purposes of these provisions. The duties imposed on local agencies to administer these provisions would create a state-mandated local program.~~

~~(2)~~ The State Teachers' Retirement Law defines "full-time" for purposes of calculating benefits.

This bill would prescribe standards for purposes of determining full time for specified community college positions.

~~(3)~~

(2) The Public Employees' Retirement Law under various circumstances requires opinions or rulings to be obtained from federal agencies respecting compliance with federal law.

This bill would require any public agency applying to participate in the Public Employees' Retirement System on and after January 1, 1999, to submit a specified opinion from the United States Department of Labor.

~~(4)~~

(3) The Public Employees' Retirement Law establishes a loan program to assist in the purchase of homes in this state.

This bill would authorize home loans throughout the United States.

~~(5)~~

(4) The Public Employees' Retirement Law excludes specified local elected or appointed officers from membership in the system.

This bill would clarify the operative date of that exclusion.

~~(6)~~

(5) The Public Employees' Retirement Law prescribes state peace officer/firefighter and state safety membership based upon employment classifications.

This bill would clarify the membership category of specified positions.

~~(7)~~

(6) The Public Employees' Retirement Law prescribes terms and conditions for terminating agency contracts for participation in the retirement system.

This bill would clarify certain termination provisions.



~~(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: *yes no*.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22138.5 of the Education Code is
2 amended to read:

3 22138.5. (a) “Full-time” means the days or hours of
4 creditable service the employer requires to be performed
5 by a class of employees in a school year in order to earn
6 the compensation earnable as defined in Section 22115
7 and specified under the terms of a collective bargaining
8 agreement or employment agreement. For the purpose
9 of crediting service under this part, “full time” shall not
10 be less than the minimum standards specified in this
11 section.

12 (b) The minimum standard for full time in
13 kindergarten through grade 12 shall be:

14 (1) One hundred seventy-five days per year or 1,050
15 hours per year except as provided in paragraph (2).

16 (2) (A) One hundred ninety days per year or 1,520
17 hours per year for all principals and program managers,
18 including advisers, coordinators, consultants, and
19 developers or planners of curricula, instructional
20 materials, or programs, and for administrators except as
21 provided in subparagraph (B).

22 (B) Two hundred fifteen days per year or 1,720 hours
23 per year including school and legal holidays pursuant to

1 the policy adopted by the board for administrators at a
2 county office of education.

3 (c) The minimum standard for full time in community
4 colleges shall be:

5 (1) Thirty teaching units per year of not less than 35
6 weeks in duration for annual or hourly employment; or
7 175 days per year for daily employment. Full time shall
8 include time for duties the employer requires to be
9 performed as part of the full-time assignment in a
10 particular classification, even if that time is not included
11 in the expression of teaching units.

12 (2) One hundred ninety days per year or 1,520 hours
13 per year for all program managers and for administrators,
14 except as provided in paragraph (3).

15 (3) Two hundred fifteen days per year or 1,720 hours
16 per year including school and legal holidays pursuant to
17 the policy adopted by the board for administrators at a
18 district office.

19 (4) One hundred seventy-five days per year or 1,050
20 hours per year for all counselors and librarians.

21 (d) The minimum standard for full time in adult
22 education programs in any school district or community
23 college district shall be 30 hours per week for 35 weeks per
24 year, or 1,050 hours per year.

25 (e) The board shall have final authority to determine
26 full time for purposes of crediting service under this part
27 if full time is not otherwise specified herein.

28 ~~SEC. 2. Section 1227 is added to the Government~~
29 ~~Code, to read:~~

30 ~~1227. (a) Any person employed by a state or local~~
31 ~~agency, or any prospective applicant for employment~~
32 ~~with a state or local agency, in any position or capacity~~
33 ~~that requires the person or applicant to have contact with~~
34 ~~children shall, as a condition of employment, be~~
35 ~~fingerprinted. Cost of the fingerprinting shall be borne by~~
36 ~~the employee or applicant.~~

37 ~~(b) For purposes of this section, the following~~
38 ~~definitions apply:~~

39 ~~(1) "State agency" shall have the same meaning as that~~
40 ~~used in Section 11000.~~

1 ~~(2) “Local agency” means any county or city, whether~~
2 ~~general law or chartered, city and county, district,~~
3 ~~municipal corporation, or other political subdivision of~~
4 ~~the state.~~

5 SEC. 3. Section 20057 of the Government Code is
6 amended to read:

7 20057. “Public agency” also includes the agencies
8 listed below:

9 (a) The Commandant, Veterans’ Home of California,
10 with respect to employees of the Veterans’ Home
11 Exchange and other post fund activities whose
12 compensation is paid from the post fund of the Veterans’
13 Home of California.

14 (b) Any auxiliary organization operating pursuant to
15 Chapter 7 (commencing with Section 89900) of Part 55 of
16 the Education Code and in conformity with regulations
17 adopted by the Trustees of the California State University
18 and any auxiliary organization operating pursuant to
19 Article 6 (commencing with Section 72670) of Chapter 6
20 of Part 45 of the Education Code and in conformity with
21 regulations adopted by the Board of Governors of the
22 California Community Colleges.

23 (c) Any student body or nonprofit organization
24 composed exclusively of students of the California State
25 University or community college or of members of the
26 faculty of the California State University or community
27 college, or both, and established for the purpose of
28 providing essential activities related to, but not normally
29 included as a part of, the regular instructional program of
30 the California State University or community college.

31 (d) A state organization of governing boards of school
32 districts, the primary purpose of which is the advancing
33 of public education through research and investigation.

34 (e) Any nonprofit corporation whose membership is
35 confined to public agencies as defined in Section 20056.

36 (f) A section of the California Interscholastic
37 Federation.

38 (g) Any credit union incorporated under Division 5
39 (commencing with Section 14000) of the Financial Code,
40 or incorporated pursuant to federal law, with 95 percent

1 of its membership limited to employees who are
2 members of or retired members of this system or the State
3 Teachers' Retirement System, and their immediate
4 families, and employees of any credit union. For the
5 purposes of this subdivision, "immediate family" means
6 those persons related by blood or marriage who reside in
7 the household of a member of the credit union who is a
8 member of or retired member of this system or the State
9 Teachers' Retirement System. The credit union shall pay
10 any costs that are in addition to the normal charges
11 required to enter into a contract with the board. All the
12 payments made by the credit union that are in addition
13 to the normal charges required shall be added to the total
14 amount appropriated by the Budget Act for the
15 administrative expense of this system. For purposes of this
16 subdivision, a credit union shall not be deemed to be a
17 public agency unless it has entered into a contract with
18 the board pursuant to Chapter 5 (commencing with
19 Section 20460) prior to January 1, 1988. After January 1,
20 1988, the board shall not enter into a contract with any
21 credit union as a public agency.

22 (h) Any county superintendent of schools that was a
23 contracting agency on July 1, 1983, and any school district
24 or community college district that was a contracting
25 agency with respect to local policemen, as defined in
26 Section 20430, on July 1, 1983.

27 (i) Any school district or community college district
28 that has established a police department, pursuant to
29 Section 39670 or 72330 of the Education Code, and has
30 entered into a contract with the board on or after January
31 1, 1990, for school safety members, as defined in Section
32 20444.

33 (j) A nonprofit corporation formed for the primary
34 purpose of assisting the development and expansion of
35 the educational, research, and scientific activities of a
36 district agricultural association formed pursuant to Part
37 3 (commencing with Section 3801) of Division 3 of the
38 Food and Agricultural Code, and the nonprofit
39 corporation described in the California State Exposition
40 and Fair Law (former Article 3 (commencing with

1 Section 3551) of Chapter 3 of Part 2 of Division 3 of the
2 Food and Agricultural Code, as added by Chapter 15 of
3 the Statutes of 1967).

4 (k) A public or private nonprofit corporation that
5 operates a regional center for the developmentally
6 disabled in accordance with Chapter 5 (commencing
7 with Section 4620) of Division 4.5 of the Welfare and
8 Institutions Code. "Public agency" for purposes of this
9 part shall only constitute the employees of the regional
10 center. Notwithstanding any other provision of this part,
11 the agency may elect by appropriate provision or
12 amendment of its contract not to provide credit for
13 service prior to the effective date of its contract.

14 (l) Independent data-processing centers formed
15 pursuant to former Article 2 (commencing with Section
16 10550) of Chapter 6 of Part 7 of the Education Code, as it
17 read on December 31, 1990. An agency included pursuant
18 to this subdivision shall only provide benefits that are
19 identical to those provided to a school member.

20 (m) Any local agency formation commission.

21 (n) A nonprofit corporation organized for the purpose
22 of and engaged in conducting a citrus fruit fair as defined
23 in Section 4603 of the Food and Agricultural Code.

24 (o) (1) A public or private nonprofit corporation that
25 operates an independent living center providing services
26 to severely handicapped people and established pursuant
27 to federal P.L. 93-112, that receives the approval of the
28 board, and that provides at least three of the following
29 services:

30 (A) Assisting severely handicapped people to obtain
31 personal attendants who provide in-home supportive
32 services.

33 (B) Locating and distributing information about
34 housing in the community usable by severely
35 handicapped people.

36 (C) Providing information about financial resources
37 available through federal, state and local government,
38 and private and public agencies to pay all or part of the
39 cost of the in-home supportive services and other services
40 needed by severely handicapped people.

1 (D) Counseling by people with similar disabilities to
2 aid the adjustment of severely handicapped people to
3 handicaps.

4 (E) Operation of vans or buses equipped with
5 wheelchair lifts to provide accessible transportation to
6 otherwise unreachable locations in the community where
7 services are available to severely handicapped people.

8 (2) “Public agency” for purposes of this part shall
9 constitute only the employees of the independent living
10 center.

11 (3) Notwithstanding any other provisions of this part,
12 the public or private nonprofit corporation may elect by
13 appropriate provision or amendment of its contract not
14 to provide credit for service prior to the effective date of
15 its contract.

16 (p) A hospital that is managed by a city legislative
17 body in accordance with Article 8 (commencing with
18 Section 37650) of Chapter 5 of Part 2 of Division 3 of Title
19 4.

20 (q) (1) Except as provided in paragraph (2), “public
21 agency” also includes any entity formed pursuant to the
22 Federal Job Training Partnership Act of 1982 (29 U.S.C.
23 Sec. 1501 et seq.) or Division 8 (commencing with Section
24 15000) of the Unemployment Insurance Code.

25 (2) “Public agency,” for purposes of this part, does not
26 include a private industry council as set forth in the
27 Federal Job Training Partnership Act of 1982 (29 U.S.C.
28 Sec. 1501 et seq.) or Division 8 (commencing with Section
29 15000) of the Unemployment Insurance Code.

30 (r) The Tahoe transportation district that is
31 established by Article IX of Section 66801.

32 (s) The California Firefighter Joint Apprenticeship
33 Program formed pursuant to Chapter 4 (commencing
34 with Section 3070) of Division 3 of the Labor Code.

35 (t) A public health department or district that is
36 managed by the governing body of a county of the 15th
37 class, as defined by Sections 28020 and 28036, as amended
38 by Chapter 1204 of the Statutes of 1971.

39 (u) A nonprofit corporation or association conducting
40 an agricultural fair pursuant to Section 25905 may enter

1 into a contract with the board for the participation of its
2 employees as members of this system, upon obtaining a
3 written advisory opinion from the United States
4 Department of Labor that the participation of the officers
5 and employees of the nonprofit corporation or association
6 in this system would not affect this system's exemption as
7 a governmental plan under Section 1001 et seq. of Title
8 29 of the United States Code. The nonprofit corporation
9 or association shall be deemed a "public agency" only for
10 this purpose.

11 (v) An auxiliary organization established pursuant to
12 Article 2.5 (commencing with Section 69522) of Chapter
13 2 of Part 42 of the Education Code upon obtaining a
14 written advisory opinion from the United States
15 Department of Labor that the participation of the officers
16 and employees of the auxiliary organization in this system
17 would not affect this system's exemption as a
18 governmental plan under Section 1001 et seq. of Title 29
19 of the United States Code. The auxiliary organization is a
20 "public agency" only for this purpose.

21 (w) The Western Association of Schools and Colleges
22 upon obtaining a written advisory opinion from the
23 United States Department of Labor that the participation
24 of the officers and employees of the association in this
25 system would not affect this system's exemption as a
26 governmental plan under Section 1001 et seq. of Title 29
27 of the United States Code. The association shall be
28 deemed a "public agency" only for this purpose.

29 Any public agency which applies on and after January
30 1, 1999, to participate in the system pursuant to this
31 section shall obtain a written advisory opinion from the
32 United States Department of Labor stating that
33 participation does not affect this system's exemption as a
34 governmental plan under Section 1001 et seq. of Title 29
35 of the United States Code.

36 SEC. 4. Section 20200 of the Government Code is
37 amended to read:

38 20200. (a) Notwithstanding any other provision of
39 law, the board may establish a program utilizing the

1 retirement fund to assist system members, through
2 financing, to obtain homes throughout the United States.

3 (b) For the purpose of this section, the term
4 “member” means any person who is receiving, or is
5 entitled to receive, a retirement allowance funded by this
6 system, the Legislators’ Retirement System, the Judges’
7 Retirement System, or the Judges’ Retirement System II,
8 notwithstanding any vesting requirement and without
9 regard to present eligibility to retire.

10 (c) The board shall adopt regulations governing the
11 program that shall, among other things, provide:

12 (1) That home loans be made available to members for
13 the purchase of single-family dwellings, two-family
14 dwellings, three-family dwellings, four-family dwellings,
15 single-family cooperative apartments, and single-family
16 condominiums.

17 (2) That private lending institutions throughout the
18 United States shall originate and service its home loans
19 pursuant to agreements entered into between those
20 institutions and the board.

21 (3) That the recipients of the loans occupy the homes
22 as their permanent residences in accord with rules and
23 regulations established by the board.

24 (4) That its home loans shall be available only for the
25 purchase or refinancing of homes throughout the United
26 States and that under no condition shall a member have
27 more than one outstanding loan.

28 (5) That the amount and length of the loans shall be
29 pursuant to a schedule periodically established by the
30 board that shall provide a loan-to-value ratio of: (A) for
31 the first loan, except for three-family dwellings and
32 four-family dwellings, a maximum of 95 percent of the
33 first loan; (B) for the first loan on three-family dwellings
34 and four-family dwellings, a maximum of 90 percent of
35 the first loan; and (C) for each additional loan, a
36 maximum of 80 percent of each additional loan. The
37 portion of any loan exceeding 80 percent of value shall be
38 insured by an admitted mortgage guaranty insurer
39 conforming to Chapter 2A (commencing with Section
40 12640.01) of Part 6 of Division 2 of the Insurance Code, in

1 an amount so that the unguaranteed portion of the loan
2 does not exceed 75 percent of the market value of the
3 property together with improvements thereon.

4 (6) That there may be prepayment penalties assessed
5 on its loans in accordance with rules and regulations
6 established by the board.

7 (7) That the criteria and terms for its loans shall
8 provide the greatest benefit to members consistent with
9 the financial integrity of the program and the sound
10 investment of the retirement fund.

11 (8) Any other terms and conditions as the board shall
12 deem appropriate.

13 (d) This section shall be known as, and may be cited as,
14 the Dave Elder Public Employees' Retirement System
15 Member Home Loan Program Act.

16 SEC. 5. Section 20201 of the Government Code is
17 amended to read:

18 20201. (a) It is the intent of the Legislature that the
19 provisions of this section be available to assist members in
20 obtaining homes throughout the United States. The
21 Legislature intends that home loans made pursuant to
22 Section 20200 and this section shall be secured primarily
23 by the property acquired except as authorized pursuant
24 to paragraph (1) of subdivision (b) and shall not exceed
25 the fair market value of the property acquired.

26 (b) The board shall include in any program
27 established pursuant to Section 20200 a procedure
28 whereby a member may obtain 100-percent financing for
29 the purchase of a single-family dwelling unit in
30 accordance with the following criteria:

31 (1) The member shall obtain one loan with a
32 loan-to-value ratio not to exceed 95 percent secured by
33 the purchased home and a second personal loan with a
34 loan-to-value ratio not to exceed 5 percent secured by a
35 portion of the accumulated contributions and vested
36 accrued benefits in the member's individual account. A
37 member can only have one outstanding personal loan.

38 (2) The loan secured by the purchased home shall be
39 consistent with the loan-to-value ratios specified in the
40 schedules established pursuant to Section 20200.

(3) The amount of a conforming loan on a single-family dwelling unit shall not exceed 95 percent of the Federal National Mortgage Association (FNMA) conforming loan limits. The amount shall be adjusted annually as determined by the Federal National Mortgage Association (FNMA). In no event, shall the loan amount exceed three hundred fifty thousand dollars (\$350,000).

(4) In no event may the personal loan secured by the accumulated contributions and vested accrued benefits in the member's individual account exceed 50 percent of the current value amount of the accumulated contributions.

(5) The pledge of security under this section shall remain in effect until the loan is paid in full.

(c) In the event of a default on the personal loan secured by the member's contributions as authorized by this section, the board may deduct an amount from the member's contributions on deposit and adjust the member's accrued benefit, up to the amount pledged as security, prior to making any disbursement of retirement benefits.

(d) The secured personal loan permitted under this section shall be made available only to currently employed members who meet eligibility criteria the board deems advisable.

(e) If the member is married at the time the home is purchased with a personal loan secured by the member's contributions as authorized by this section, then the member's spouse shall agree in writing to the pledge of security, as to his or her community interest in the amount pledged regardless of whether title to the home is in joint tenancy.

(f) The pledge of security under this section shall take binding effect, notwithstanding Section 21255. In the event of default, the accumulated contributions in the member's account shall be reduced as necessary to recover any outstanding loan balance, not to exceed the pledged amount.

1 (g) Appropriate administrative costs of implementing
2 this section shall be paid by the members utilizing this
3 section. Those costs may be included in the loan amount.

4 (h) Appropriate interest rates shall be periodically
5 reviewed and adjusted to provide loans to members
6 consistent with the financial integrity of the member
7 home loan program and the sound and prudent
8 investment of the retirement fund.

9 (i) The amendments to this section by Chapter 1094 of
10 the Statutes of 1994 shall be deemed to have become
11 operative on November 1, 1993.

12 (j) The board shall administer this section under other
13 terms and conditions it deems appropriate and in keeping
14 with the investment standard set forth in Section 20151.
15 The board may adopt procedural guidelines as necessary
16 for its administration of this section and to assure
17 compliance with applicable state and federal laws.

18 SEC. 6. Section 20322 of the Government Code is
19 amended to read:

20 20322. (a) An elective officer is excluded from
21 membership in this system unless the officer files with the
22 board an election in writing to become a member. The
23 officer may elect at any time, and has the option of
24 making contributions to this system in the amount that
25 the officer would have contributed had the officer not
26 been excluded, plus an amount equal to the interest, to
27 the date or dates of his or her payment, that would have
28 been credited to those contributions had he or she not
29 been excluded. The contributions and interest shall be
30 paid to this system at times, in amounts, and in a manner,
31 fixed by the board. If the officer affirmatively exercises
32 the option:

33 (1) He or she shall receive credit for previous state
34 service in the same manner as if he or she had not been
35 excluded, and

36 (2) His or her rate of contributions shall be based on
37 the nearest age at the time he or she first was excluded.

38 (b) As used in this part, "elective officer" includes any
39 officer of the Senate or Assembly who is elected by vote
40 of the members of either or both of the houses of the

1 Legislature, and any appointive officer of a city or county
2 occupying a fixed term of office, as well as officers of the
3 state or contracting agencies elected by the people, and
4 persons elected to a city council or a county board of
5 supervisors.

6 (c) Notwithstanding any other provision of
7 subdivision (a) or (b), elected or appointed officers of a
8 county superintendent of schools, school district, or
9 community college district, or of a contracting agency,
10 who serve on public commissions, boards, councils, or
11 similar legislative or administrative bodies are excluded
12 from membership in this system. This exclusion shall only
13 apply to those elected or appointed officers, other than
14 city or county officers, who are first elected or appointed
15 to an office on or after July 1, 1994, or who are elected or
16 appointed to a term of office not consecutive with the
17 term of office held on June 30, 1994. For city or county
18 elected or appointed officers, this exclusion shall only
19 apply to those officers who are first elected or appointed
20 to an office on or after January 1, 1997, or who are elected
21 or appointed to a term of office not consecutive with the
22 term of office held on December 31, 1996. This exclusion
23 shall not apply to persons elected to a city council or
24 county board of supervisors.

25 (d) Any person holding the office of city attorney or
26 the office of assistant city attorney, whether employed,
27 appointed, or elected, is excluded from the definition of
28 “elective officer” as defined in subdivision (b). This
29 subdivision shall apply only to persons first employed,
30 elected, or appointed on or after July 1, 1994, or following
31 any break in state service while serving in the office if the
32 office was held on June 30, 1994.

33 (e) In accordance with Section 20125 the board shall
34 be the sole judge of which elected or appointed positions
35 qualify the incumbent as an “elective officer” in this
36 system under this section.

37 (f) Notwithstanding any other provision of law, with
38 respect to elective officers of contracting agencies,
39 payment by a contracting agency of employer
40 contributions and any other amounts for employer paid

benefits under this system shall not be construed as receipt of salary or compensation by the elective officer for purposes of any statutory salary or compensation limitation.

SEC. 7. Section 20398 of the Government Code is amended to read:

20398. “State peace officer/firefighter member” also includes:

(a) State officers and employees designated as peace officers as defined in Sections 830.1, 830.2, 830.3, 830.38, 830.4, and 830.5 of the Penal Code, except a patrol member, or a firefighter whose principal duties consist of active firefighting/fire suppression, who is either excluded from the definition of state employee in subdivision (c) of Section 3513 or is a nonelected officer or employee of the executive branch of government who is not a member of the civil service, provided, that those officers and employees have responsibility for the direct supervision of state peace officer/firefighter personnel specified in Sections 20391, 20392, 20393, and 20395. The Department of Personnel Administration shall annually determine which classes meet the above conditions and are not classes specified in Sections 20391, 20392, 20393, and 20395, and report its findings to the Legislature and to this system, to be effective July 1 of each year.

(b) Members who are reclassified pursuant to this section may file an irrevocable election to be subject to their prior retirement formula and the corresponding rate of contributions. The Director of Corrections may, upon appointment to that office on or after January 1, 1999, file an irrevocable election to remain subject to the industrial formula and the corresponding rate of contributions. The elections must be filed within 90 days of notification by the board. Members who so elect shall be subject to the reduced benefit factor specified in Section 21353 only for the service included in the federal system.

SEC. 8. Section 20403 of the Government Code is amended to read:

1 20403. “State safety member” shall also include
2 officers and employees in (a) the Department of
3 Corrections employed to perform the duties now
4 performed in positions with the following class titles:
5 Deputy Director, Department of Corrections; Deputy
6 Director, Institutions, Camps and Program Services
7 Division; Deputy Director, Parole and Community
8 Services; Warden; Warden—San Quentin;
9 Superintendent II and III, Department of Corrections;
10 Deputy Superintendent; Correctional Administrator;
11 Program Administrator, Correctional Institution; all
12 classes of Correctional Program Supervisor; Correctional
13 Captain; Correctional Lieutenant; Correctional
14 Sergeant; Correctional Officer; all classes of Women’s
15 Correctional Supervisor; Assistant Deputy Director,
16 Parole and Community Services; all classes of Parole
17 Administrator, Adult Parole; all classes of Parole Agent,
18 Adult Parole; Assistant Director, Investigations and Law
19 Enforcement Liaison; Senior Special Agent; Special
20 Agent; all classes of Women’s Parole Agent; Medical
21 Facility Superintendent; Superintendent, California
22 Institution for Women; all classes of Correctional
23 Counselor; Chief and Assistant Chief Transportation
24 Officer, (b) the Department of the Youth Authority
25 employed to perform the duties now performed in
26 positions with the following class titles: Director,
27 Department of the Youth Authority; Chief, Division of
28 Parole and Community Services; Deputy Chief, Division
29 of Parole and Community Services; Program
30 Administrator, Correctional School; Assistant
31 Superintendent, Correctional School; all classes of
32 Superintendent, Correctional School; Youth Authority
33 Camp Superintendent; Assistant Superintendent, Youth
34 Authority Camp; Chief, Division of Institutions;
35 Treatment Team Supervisor; all classes of Transportation
36 Officers, Youth Authority; Security Officer; all classes of
37 Group Supervisors; all classes of Parole Agent, Youth
38 Authority; all classes of Youth Counselor; Supervisor
39 Community Treatment Programs; Correctional
40 Casework Training Supervisor; Correctional Casework

1 Trainee; all classes of Correctional Counselor, (c) the
2 Board of Prison Terms employed to perform duties now
3 performed in positions with the following class titles: all
4 classes of Parole Agent; all classes of Correctional
5 Counselor and the Chief of Investigation, (d) the
6 Youthful Offender Parole Board employed to perform
7 duties now performed in positions with the following class
8 titles: all classes of Parole Agent, and (e) the Prison
9 Industry Authority employed to perform duties now
10 performed in positions with the following class titles:
11 General Manager; Assistant General Manager,
12 Administration and Marketing Branch; Chief, Industry
13 Implementation Division; and Activation Manager.

14 SEC. 9. Section 20575 of the Government Code is
15 amended to read:

16 20575. Notwithstanding any other provision of this
17 part to the contrary, upon request of a terminating
18 agency, the board shall enter into an agreement with the
19 governing body of a terminating agency in order to
20 ensure that (a) the final compensation used in the
21 calculation of benefits of its employees shall be calculated
22 in the same manner as the benefits of employees of
23 agencies that are not terminating, regardless of whether
24 they retire directly from employment with the
25 terminating agency or continue in other public service;
26 and (b) related necessary adjustments in the employer's
27 contribution rate are made, from time to time, by the
28 board prior to the date of termination to ensure that
29 benefits are adequately funded or any other actuarially
30 sound payment technique, including a lump-sum
31 payment at termination, is agreed to by the governing
32 body of the terminating agency and the board.

33 The terminating agency that will cease to exist shall
34 notify the board not sooner than three years nor later
35 than one year prior to its termination date of its intention
36 to enter into agreement pursuant to this section. The
37 terms of the agreement shall be reflected in an
38 amendment to the agency's contract with the board.

1 If the board, itself, determines that it is not in the best
2 interests of the system, it may choose not to enter into an
3 agreement pursuant to this section.

4 SEC. 10. Section 20578 of the Government Code is
5 amended to read:

6 20578. Notwithstanding any other provision of law, on
7 and after January 1, 1991, the rights and benefits of a
8 former employee of a contracting agency which
9 terminated on or before January 1, 1991, or of his or her
10 beneficiary, shall be the same as if the agency had
11 continued as a contracting agency. Any monthly
12 allowance of that individual, or of his or her beneficiary,
13 that was reduced pursuant to Section 20577 because the
14 contracting agency failed to pay the board the amount of
15 the difference, shall not be subject to continued reduction
16 on or after January 1, 1991. As of January 1, 1991, benefits
17 shall be paid at the level provided in the contract prior to
18 that reduction. However, if a former employee of a
19 contracting agency that terminated on or before January
20 1, 1991, becomes employed by another covered employer
21 after the date of termination, including an employer
22 subject to reciprocity, the benefits shall be calculated by
23 using the highest compensation earned by the individual.

24 In accordance with Section 20580, an individual who
25 has withdrawn his or her accumulated contributions from
26 the terminated agency shall not be permitted to
27 redeposit any withdrawn contributions upon again
28 becoming a member of this system.

29 All assets and liabilities of contracting agencies which
30 have terminated shall be pooled into a single account to
31 provide exclusively for the payment of benefits. All
32 benefits shall be reduced proportionally pursuant to
33 Section 20577 prior to the transfer of assets to the pool if
34 the amount of the terminating agency's assets are less
35 than the actuarial equivalent described in clause (1) of
36 Section 20576 and if the agency fails to pay the difference.

37 SEC. 11. Section 20636 of the Government Code is
38 amended to read:

39 20636. (a) "Compensation earnable" by a member
40 means the payrate and special compensation of the

1 member, as defined by subdivisions (b), (c), and (g), and
2 as limited by Section 21752.5.

3 (b) (1) "Payrate" means the normal monthly rate of
4 pay or base pay of the member paid in cash to similarly
5 situated members of the same group or class of
6 employment for services rendered on a full-time basis
7 during normal working hours. "Payrate" for a member
8 who is not in a group or class means the monthly rate of
9 pay or base pay of the member, paid in cash and pursuant
10 to publicly available pay schedules, for services rendered
11 on a full-time basis during normal working hours, subject
12 to the limitations of paragraph (2) of subdivision (e).

13 (2) The computation for any leave without pay of a
14 member shall be based on the compensation earnable by
15 him or her at the beginning of the absence.

16 (3) The computation for time prior to entering state
17 service shall be based on the compensation earnable by
18 him or her in the position first held by him or her in state
19 service.

20 (c) (1) Special compensation of a member includes
21 any payment received for special skills, knowledge,
22 abilities, work assignment, workdays or hours, or other
23 work conditions.

24 (2) Special compensation shall be limited to that
25 which is received by a member pursuant to a labor policy
26 or agreement or as otherwise required by state or federal
27 law, to similarly situated members of a group or class of
28 employment that is in addition to payrate. If an individual
29 is not part of a group or class, special compensation shall
30 be limited to that which the board determines is received
31 by similarly situated members in the closest related group
32 or class that is in addition to payrate, subject to the
33 limitations of paragraph (2) of subdivision (e).

34 (3) Special compensation shall be for services
35 rendered during normal working hours and, when
36 reported to the board, the employer shall identify the pay
37 period in which the special compensation was earned.

38 (4) Special compensation may include the full
39 monetary value of normal contributions paid to the board
40 by the employer, on behalf of the member and pursuant

1 to Section 20691, provided that the employer's labor
2 policy or agreement specifically provides for the
3 inclusion of the normal contribution payment in
4 compensation earnable.

5 (5) The monetary value of any service or noncash
6 advantage furnished by the employer to the member,
7 except as expressly and specifically provided in this part,
8 shall not be special compensation unless regulations
9 promulgated by the board specifically determine that
10 value to be "special compensation."

11 (6) The board shall promulgate regulations that
12 delineate more specifically and exclusively what
13 constitutes "special compensation" as used in this section.
14 A uniform allowance, the monetary value of
15 employer-provided uniforms, holiday pay, and premium
16 pay for hours worked within the normally scheduled or
17 regular working hours that are in excess of the statutory
18 maximum workweek or work period applicable to the
19 employee under Section 201 et seq. of Title 29 of the
20 United States Code shall be included as special
21 compensation and appropriately defined in those
22 regulations.

23 (7) Special compensation does not include any of the
24 following:

25 (A) Final settlement pay.

26 (B) Payments made for additional services rendered
27 outside of normal working hours, whether paid in lump
28 sum or otherwise.

29 (C) Any other payments the board has not
30 affirmatively determined to be special compensation.

31 (d) Notwithstanding any other provision of law,
32 payrate and special compensation schedules, ordinances,
33 or similar documents shall be public records available for
34 public scrutiny.

35 (e) (1) As used in this part, "group or class of
36 employment" means a number of employees considered
37 together because they share similarities in job duties,
38 work location, collective bargaining unit, or other logical
39 work related grouping. Under no circumstances shall one
40 employee be considered a group or class.

1 (2) Increases in compensation earnable granted to any
2 employee who is not in a group or class shall be limited
3 during the final compensation period applicable to the
4 employees, as well as the two years immediately
5 preceding the final compensation period, to the average
6 increase in compensation earnable during the same
7 period reported by the employer for all employees who
8 are in the same membership classification, except as may
9 otherwise be determined pursuant to regulations
10 adopted by the board that establish reasonable standards
11 for granting exceptions.

12 (f) As used in this part, “final settlement pay” means
13 any pay or cash conversions of employee benefits that are
14 in excess of compensation earnable, that are granted or
15 awarded to a member in connection with or in
16 anticipation of a separation from employment. The board
17 shall promulgate regulations that delineate more
18 specifically what constitutes final settlement pay.

19 (g) (1) Notwithstanding subdivision (a),
20 “compensation earnable” for state members means the
21 average monthly compensation, as determined by the
22 board, upon the basis of the average time put in by
23 members in the same group or class of employment and
24 at the same rate of pay, and is composed of the payrate
25 and special compensation of the member. The
26 computation for any absence of a member shall be based
27 on the compensation earnable by him or her at the
28 beginning of the absence and that for time prior to
29 entering state service shall be based on the compensation
30 earnable by him or her in the position first held by him
31 or her in that state service.

32 (2) Notwithstanding subdivision (b), “payrate” for
33 state members means the average monthly remuneration
34 paid in cash out of funds paid by the employer to similarly
35 situated members of the same group or class of
36 employment, in payment for the member’s services or for
37 time during which the member is excused from work
38 because of holidays, sick leave, vacation, compensating
39 time off, or leave of absence. “Payrate” for state members
40 shall include:

1 (A) Any amount deducted from a member's salary for
2 any of the following:

3 (i) Participation in a deferred compensation plan
4 established pursuant to Chapter 4 (commencing with
5 Section 19993) of Part 2.6.

6 (ii) Payment for participation in a retirement plan
7 that meets the requirements of Section 401(k) of Title 26
8 of the United States Code.

9 (iii) Payment into a money purchase pension plan and
10 trust that meets the requirements of Section 401(a) of
11 Title 26 of the United States Code.

12 (iv) Participation in a flexible benefits program.

13 (B) Any payment in cash by the member's employer
14 to one other than an employee for the purpose of
15 purchasing an annuity contract for a member under an
16 annuity plan that meets the requirements of Section
17 403(b) of the Internal Revenue Code.

18 (C) Employer "pick up" of member contributions
19 that meets the requirements of Section 414(h)(2) of Title
20 26 of the United States Code.

21 (D) Any disability or workers' compensation
22 payments to safety members in accordance with Section
23 4800 of the Labor Code.

24 (E) Temporary industrial disability payments
25 pursuant to Article 4 (commencing with Section 19869)
26 of Chapter 2.5 of Part 2.6.

27 (F) Any other payments the board may determine to
28 be within "payrate."

29 (3) Notwithstanding subdivision (c), "special
30 compensation" for state members shall mean all of the
31 following:

32 (A) The monetary value, as determined by the board,
33 of living quarters, board, lodging, fuel, laundry, and other
34 advantages of any nature furnished a member by his or
35 her employer in payment for the member's services.

36 (B) Any compensation for performing normally
37 required duties, such as holiday pay, bonuses (for duties
38 performed on regular work shift), educational incentive
39 pay, maintenance and noncash payments, out-of-class
40 pay, marksmanship pay, hazard pay, motorcycle pay,

1 paramedic pay, emergency medical technician pay,
2 POST certificate pay, and split shift differential.

3 (C) Compensation for uniforms, except as provided in
4 Section 20632.

5 (D) Any other payments the board may determine to
6 be within “special compensation.”

7 (4) Neither “payrate” nor “special compensation” for
8 state members shall include any of the following:

9 (A) The provision by the state employer of any
10 medical or hospital service or care plan or insurance plan
11 for its employees (other than the purchase of annuity
12 contracts as described below in this subdivision), any
13 contribution by the employer to meet the premium or
14 charge for such a plan, or any payment into a private fund
15 to provide health and welfare benefits for employees.

16 (B) Any payment by the state employer of the
17 employee portion of taxes imposed by the Federal
18 Insurance Contribution Act.

19 (C) Amounts not available for payment of salaries and
20 that are applied by the employer for the purchase of
21 annuity contracts including those that meet the
22 requirements of Section 403(b) of the Internal Revenue
23 Code.

24 (D) Any benefits paid pursuant to Article 5
25 (commencing with Section 19878) of Chapter 2.5 of Part
26 2.6.

27 (E) Employer payments that are to be credited as
28 employee contributions for benefits provided by this
29 system, or employer payments that are to be credited to
30 employee accounts in deferred compensation plans;
31 provided, that the amounts deducted from a member’s
32 wages for participation in a deferred compensation plan
33 shall not be considered to be “employer payments.”

34 (F) Payments for unused vacation, annual leave,
35 personal leave, sick leave, or compensating time off,
36 whether paid in lump sum or otherwise.

37 (G) Final settlement pay.

38 (H) Payments for overtime, including pay in lieu of
39 vacation or holiday.

1 (I) Compensation for additional services outside
2 regular duties, such as standby pay, callback pay, court
3 duty, allowance for automobiles, and bonuses for duties
4 performed after the member's regular work shift.

5 (J) Amounts not available for payment of salaries and
6 which are applied by the employer for any of the
7 following:

8 (i) The purchase of a retirement plan which meets the
9 requirements of Section 401(k) of Title 26 of the United
10 States Code.

11 (ii) Payment into a money purchase pension plan and
12 trust which meets the requirements of Section 401(a) of
13 Title 26 of the United States Code.

14 (K) Payments made by the employer to or on behalf
15 of its employees who have elected to be covered by a
16 flexible benefits program, where those payments reflect
17 amounts that exceed the employee's salary.

18 (L) Any other payments the board may determine are
19 not "payrate" or "special compensation."

20 (5) If the provisions of this subdivision, including the
21 board's determinations pursuant to subparagraph (F) of
22 paragraph (2) and subparagraph (D) of paragraph (3),
23 are in conflict with the provisions of a memorandum of
24 understanding reached pursuant to Section 3517.5 or
25 3560, the memorandum of understanding shall be
26 controlling without further legislative action, except that
27 if the provisions of a memorandum of understanding
28 require the expenditure of funds, those provisions shall
29 not become effective unless approved by the Legislature
30 in the annual Budget Act. No memorandum of
31 understanding reached pursuant to Section 3517.5 or 3560
32 may exclude from the definition of either "payrate" or
33 "special compensation" a member's base salary payments
34 or payments for time during which the member is
35 excused from work because of holidays, sick leave,
36 vacation, compensating time off, or leave of absence. If
37 any items of compensation earnable are included by
38 memorandum of understanding as "payrate" or "special
39 compensation" for retirement purposes for represented
40 and higher education employees pursuant to this

1 paragraph, the Department of Personnel Administration
2 or the Trustees of the California State University shall
3 obtain approval from the board for that inclusion.

4 (6) (A) Subparagraph (B) of paragraph (3) of this
5 subdivision prescribes that compensation earnable
6 includes any compensation for performing normally
7 required duties, such as holiday pay, bonuses (for duties
8 performed on regular work shift), educational incentive
9 pay, maintenance and noncash payments, out-of-class
10 pay, marksmanship pay, hazard pay, motorcycle pay,
11 paramedic pay, emergency medical technician pay,
12 POST certificate pay, and split shift differential; and
13 includes compensation for uniforms, except as provided
14 in Section 20632; and subparagraph (I) of paragraph (4)
15 excludes from compensation earnable compensation for
16 additional services outside regular duties, such as standby
17 pay, callback pay, court duty, allowance for automobile,
18 and bonuses for duties performed after regular work shift.

19 (B) Notwithstanding subparagraph (A) of this
20 paragraph, the Department of Personnel Administration
21 shall determine which payments and allowances that are
22 paid by the state employer shall be considered
23 compensation for retirement purposes for any employee
24 who either is excluded from the definition of state
25 employee in subdivision (c) of Section 3513, or is a
26 nonelected officer or employee of the executive branch
27 of government who is not a member of the civil service.

28 (C) Notwithstanding subparagraph (A) of this
29 paragraph, the Trustees of the California State University
30 shall determine which payments and allowances that are
31 paid by the trustees shall be considered compensation for
32 retirement purposes for any managerial employee, as
33 defined in subdivision (l) of Section 3562, or supervisory
34 employee as defined in Section 3580.3.

35 SEC. 12. Section 21493 of the Government Code is
36 amended to read:

37 21493. (a) If a person had no beneficiary designation
38 in effect on the date of death, any benefit payable shall be
39 paid to the survivors of the person in the following order:

40 (1) The decedent's spouse.

1 (2) The decedent's natural or adopted children,
2 including a natural child adopted by another who meets
3 the following criteria:

4 (A) The natural parent and adopted child lived
5 together at any time as parent and child or the natural
6 parent was married to or was cohabiting with the other
7 natural parent at the time the child was conceived and
8 died before the birth of the child; and

9 (B) The child was adopted by the spouse of either of
10 the natural parents or after the death of either of the
11 natural parents or the child is a natural child adopted by
12 another as that phrase is defined or construed by the
13 Probate Code.

14 (3) The decedent's parents.

15 (4) The decedent's brothers and sisters.

16 (b) If a deceased person had no effective beneficiary
17 designation and there are no survivors in the groups
18 specified in subdivision (a) who are entitled to the benefit
19 under this section, the benefit shall be paid to the estate
20 of the decedent, if the estate is either probated or subject
21 to probate. Any benefit payable by this system may be
22 paid either to the estate or to the duly authorized
23 representative or representatives of the estate upon
24 receipt by this system of a court order appointing an
25 executor, administrator, or personal representative.

26 (c) If there are no survivors in the groups specified in
27 subdivision (a) and the estate of the person described in
28 subdivision (b) does not require probate, irrespective of
29 whether probate is filed, the benefit shall be paid directly
30 to the decedent's trust.

31 (d) If there are no survivors in the groups specified in
32 subdivision (a) and the estate of the person described by
33 subdivision (b) does not require probate, irrespective of
34 whether probate is filed, and the decedent has not
35 established a trust as described by subdivision (c), the
36 benefit shall be paid directly to the surviving next of kin
37 in the following order.

38 (1) Stepchildren.

39 (2) Grandchildren, including stepgrandchildren.

40 (3) Nieces and nephews.

1 (4) Great grandchildren.

2 (5) Cousins.

3 (e) For purposes of determining the application of
4 subdivisions (b), (c), and (d) the amount of the benefit
5 payable from this system shall not be included in
6 calculating the worth of the estate.

7 (f) For purposes of this section, the term “stepchild”
8 shall mean a person who had a regular parent-child
9 relationship with the deceased person.

10 SEC. 13. Section 22013 of the Government Code is
11 amended to read:

12 22013. “Policeman” as used in this part includes
13 members of the California Highway Patrol, state safety
14 members of the Public Employees’ Retirement System
15 employed by the Department of Justice, sheriffs,
16 undersheriffs, deputy sheriffs, marshals and deputy
17 marshals, and any other employee of a public agency
18 other than the state or University of California in a
19 position designated as a policeman’s position by the board
20 for the purposes of Section 218(d)(5)(A) of the Social
21 Security Act.

22 SEC. 14. Section 22013.1 of the Government Code is
23 amended to read:

24 22013.1. “Policeman” as used in this part also includes
25 persons employed in the Department of Fish and Game
26 in connection with its warden service, whose principal
27 duties consist of active law enforcement service,
28 including immediate supervision by persons employed to
29 perform the duties now performed under the titles of
30 chief and assistant chief of warden service, and captain of
31 patrol boats for the purposes of Section 218(d)(5)(A) of
32 the Social Security Act.

33 SEC. 15. Section 22013.3 of the Government Code is
34 amended to read:

35 22013.3. “Policeman” as used in this part also includes
36 persons employed in positions set forth in Section 20403
37 for the purposes of Section 218(d)(5)(A) of the Social
38 Security Act.

39 SEC. 16. Section 22013.4 of the Government Code is
40 amended to read:

1 22013.4. “Policeman” as used in this part also includes
2 persons designated by Section 31470.6 as persons whose
3 principal duties consist of “active law enforcement” for
4 the purposes of Section 218(d)(5)(A) of the Social
5 Security Act.

6 SEC. 17. Section 22013.6 of the Government Code is
7 amended to read:

8 22013.6. “Policeman” as used in this part also includes
9 persons employed in positions set forth in Sections 20438
10 and 31469.4 for the purposes of Section 218(d)(5)(A) of
11 the Social Security Act.

12 This section shall be operative only in counties which
13 elect to terminate the social security coverage of county
14 probation officers and juvenile hall employees in that
15 county and elect to include such officers and employees
16 within the safety membership retirement category.

17 SEC. 18. Section 22013.7 of the Government Code is
18 amended to read:

19 22013.7. “Policeman” or “fireman,” as used in this
20 part, also includes persons employed in positions set forth
21 in Section 20414 for the purposes of Section 218(d)(5)(A)
22 of the Social Security Act (42 U.S.C. Sec. 418(d)(5)(A)).

23 SEC. 19. Section 22013.75 of the Government Code is
24 amended to read:

25 22013.75. “Policeman,” as used in this part, also
26 includes persons employed in positions identified in
27 Section 20407 for the purposes of Section 218(d)(5)(A) of
28 the Social Security Act (42 U.S.C. Sec. 418(d)(5)(A)).

29 SEC. 20. Section 22013.76 of the Government Code is
30 amended to read:

31 22013.76. “Policeman,” as used in this part, also
32 includes persons employed in positions identified in
33 Section 20408 for the purposes of Section 218(d)(5)(A) of
34 the Social Security Act (42 U.S.C. Sec. 418(d)(5)(A)).

35 SEC. 21. Section 22013.8 of the Government Code is
36 amended to read:

37 22013.8. “Policeman” as used in this part also includes
38 persons employed in classifications listed in Section 20405
39 for the purposes of Section 218(d)(5)(A) of the Social
40 Security Act.

1 SEC. 22. Section 22013.85 of the Government Code is
2 amended to read:

3 22013.85. “Policeman” as used in this part also
4 includes persons employed in the classification listing in
5 Section 20411 for the purposes of Section 218(d)(5)(A) of
6 the Social Security Act.

7 SEC. 23. Section 22013.9 of the Government Code is
8 amended to read:

9 22013.9. “Policeman” as used in this part also includes
10 persons employed in positions set forth in Section 20406
11 for the purposes of Section 218(d)(5)(A) of the Social
12 Security Act.

13 SEC. 24. Section 22013.95 of the Government Code is
14 amended to read:

15 22013.95. “Policeman” or “fireman,” as used in this
16 part, also includes persons employed in positions set forth
17 in Section 20393 for the purposes of Section 218(d)(5) (A)
18 of the Social Security Act (42 U.S.C. Sec. 418(d)(5)(A)).

19 SEC. 25. Section 22013.955 of the Government Code
20 is amended to read:

21 22013.955. “Policeman” as used in this part also
22 includes persons employed in the classifications set forth
23 in Section 20397 for the purposes of Section 218(d)(5)(A)
24 of the Social Security Act.

25 SEC. 26. Section 22013.96 of the Government Code is
26 amended to read:

27 22013.96. “Policeman” or “fireman,” as used in this
28 part, also includes persons employed in positions set forth
29 in Section 20395, as amended in 1984 for the purposes of
30 Section 218(d)(5)(A) of the Social Security Act (42
31 U.S.C. Sec. 418(d)(5)(A)).

32 SEC. 27. Section 22013.97 of the Government Code is
33 amended to read:

34 22013.97. “Policeman” or “fireman,” as used in this
35 part, also includes persons employed in positions set forth
36 in Sections 20398 for the purposes of Section
37 218(d)(5)(A) of the Social Security Act (42 U.S.C. Sec.
38 418(d)(5)(A)).

39 SEC. 28. Section 22013.10 of the Government Code is
40 amended to read:

1 22013.10. “Policeman” as used in this part, also
2 includes persons employed in positions set forth in
3 Section 20415 for the purposes of Section 218(d)(5)(A) of
4 the Social Security Act (42 U.S.C. Sec. 418(d)(5)(A)).

5 SEC. 29. Section 22013.11 of the Government Code is
6 amended to read:

7 22013.11. “Policeman” or “fireman,” as used in this
8 part, also includes persons employed in positions set forth
9 in Sections 20409 and 20410 for the purposes of Section
10 218(d)(5)(A) of the Social Security Act (42 U.S.C. Sec.
11 418(d)(5)(A)).

12 SEC. 30. Section 22014 of the Government Code is
13 amended to read:

14 22014. “Fireman” as used in this part means any
15 employee of the Division of Forestry, Department of
16 Conservation, employed to perform duties now
17 performed under the following titles: State Forester; all
18 classes of rangers; all classes of deputy state foresters; all
19 classes of fire prevention and law enforcement officers; all
20 classes of foresters; all classes of forestry foreman; all
21 classes of forestry trainees; all classes of forestry
22 equipment and civil engineers; forestry superintendent,
23 conservation camps; forest firetruck driver; forestry
24 fireman; forest firefighter; equipment maintenance
25 foreman or forestry equipment operator; or employed in
26 any other position the principal duties of which consist of
27 active fire suppression, and any employee of a public
28 agency other than the state or University of California in
29 a position designated as a fireman’s position by the board
30 for the purposes of Section 218(d)(5)(A) of the Social
31 Security Act.

32 SEC. 31. Section 22014.1 of the Government Code is
33 amended to read:

34 22014.1. “Fireman” as used in this part also means any
35 officer or employee of a county having a population in
36 excess of 5,000,000 who is employed by the forestry
37 division of the county fire department and whose
38 principal duties consist of active fire suppression for the
39 purposes of Section 218(d)(5)(A) of the Social Security
40 Act.

1 SEC. 32. Section 22014.5 of the Government Code is
2 amended to read:

3 22014.5. “Fireman” as used in this part includes
4 persons employed as “campus firefighter” and other
5 persons employed in positions described in Section 20412
6 for the purposes of Section 218(d)(5)(A) of the Social
7 Security Act.

8 ~~SEC. 33. Notwithstanding Section 17610 of the~~
9 ~~Government Code, if the Commission on State Mandates~~
10 ~~determines that this act contains costs mandated by the~~
11 ~~state, reimbursement to local agencies and school~~
12 ~~districts for those costs shall be made pursuant to Part 7~~
13 ~~(commencing with Section 17500) of Division 4 of Title~~
14 ~~2 of the Government Code. If the statewide cost of the~~
15 ~~claim for reimbursement does not exceed one million~~
16 ~~dollars (\$1,000,000), reimbursement shall be made from~~
17 ~~the State Mandates Claims Fund.~~

18 ~~Notwithstanding Section 17580 of the Government~~
19 ~~Code, unless otherwise specified, the provisions of this act~~
20 ~~shall become operative on the same date that the act~~
21 ~~takes effect pursuant to the California Constitution.~~